

Question 7 (CLINs):

CLIN 001 Sort/Seg - Please define the survey requirements.

Answer: Survey requirements are the applicable radiation protection requirements in order to determine the level of contamination/radioactivity of the sorted/segregated wastes to properly define the type of waste, e.g., does the waste require disposal as low-level waste.

Question 8 (CLINs):

CLIN 005 Macro LLW – Please define the macro encapsulation requirements for this task.

Answer: The macroencapsulation requirements should be assumed to be equivalent to those used for MLLW (for packaging, not to meet EPA treatment standards). This has been added to the description on the CLIN 0005 Price List form.

Question 9 (CLINs):

CLIN 009 – Vacuum Assisted Thermal Desorption – Are other high temperature technologies acceptable alternatives to VTD?

Answer: A 'MLLW Other High Temperature Technologies' CLIN has been added to allow for other high temperature technologies, which may be acceptable alternatives to VTD.

Question 10 (CLINs):

CLIN 0011 – MLLW Macroencapsulation. The description includes soil, sludge and debris. Soil and sludge will not meet the definition of debris and therefore the treatment standards under the Alternative Standard for debris will not apply. Please clarify the treatment standard for this CLIN regarding macroencapsulation of soil and sludge.

Answer: RFP has been revised to remove soil and sludge from CLIN 0011 and CLIN 0005.

Question 11 (Section C):

Section C.04.1 LLW/MLLW Treatment Services Item 18 – The contractor shall properly treat and dispose of all byproduct, residual and secondary waste in compliance with Federal and state regulations and permits. These costs shall be included in the firm fixed unit rates and the Task Orders' prices. Can the byproduct, residual and secondary waste be commingled with the primary waste for disposal? This methodology will provide the DOE with the most cost effective treatment pricing.

Answer: Any co-mingling of primary wastes with byproduct, residual and secondary wastes must be in accordance DOE Order 435.1, with Federal, State, local laws, regulations and guidance (as applicable), the waste acceptance criteria of the site, and Land Disposal Restrictions. This clarification has been made in the RFP, section C.04.1.18 and C.04.2.17.

Question 12 (Section L):

Is it accurate to assume that the data requested in Attachments L-6, L-7, and L-8 are only applicable to work scope related to CLINs 0013 and 0015?

Answer: Attachments L-6, L-7, and L-8 are applicable to work scope related to CLIN 0013 only. The attachments are not applicable to CLIN 0015.

Question 13 (CLINs):

(a) CLIN 0013 - Would a contractor with no NTS waste acceptance certification program be disqualified from 0013?

Answer: Yes, although CLIN 0013 may include tasks involving commercial disposal rather than NTS disposal, for purposes of proposal preparation, use of an NTS certified program is required. There are three options for utilizing an NTS certified program:

- (a) Offeror establishes and maintains a certified program (a certified program is required at time of proposal in accordance with L.04(a)5(c));
- (b) Offeror utilizes another commercial entities' NTS certified program, through a subcontract or teaming arrangement;
- (c) Offeror contracts with a DOE site contractor, e.g., through a Work for Others agreement (such as NSTec) to utilize their certified program.

This clarification has been made in the RFP, section L.04(a).

(b) Would an assumed use of the waste generator's NTS waste certification program at a commercial waste treatment facility be viewed as compliant to CLIN 0013?

Answer: No, as noted in response above.

(c) Would use of NTS's (e.g. NSTech) services to certify waste at a commercial waste treatment facility be considered compliant to CLIN 0013?

Answer: Yes, as noted in response above.

Question 14

Reference: RFP, Section L, item L.05, Pg. 92, paragraph 3 "CLIN 0013 (Cost Plus Fixed Fee)

The sample task L-3 details the type of services that we routinely perform for our clients on a Firm Fixed Price (FFP) basis. Sample task L-3 contains enough information for us to provide a FFP bid. Therefore, as we do not have a "job cost accounting system" that allows us to generate cost plus fee pricing and Sample task L-3 contains enough information for us to bid FFP, will DOE accept/allow bids for CLIN 13 to be FFP instead of cost plus award fee?

Answer: No, CLIN 0013 requires offerors to submit a Cost Plus Fixed Fee Proposal for the Sample Task, Attachment L-3, in accordance with the cost proposal preparation instructions contained in L.05. CLIN 0013, as well as CLIN 0015, may be Firm Fixed Price or Cost Plus Fixed Fee as determined at the Task Order level. If an offeror does not have an adequate accounting system to handle cost type contracts, the offeror will be ineligible for award of these CLINs.

Question 15

Reference: RFP, Section C, item C.04.1(2)pg 6 states that “...contractor shall possess, maintain and keep current appropriate licenses and permits....”

Reference: RFP, Section L, item L.04 (a) (1) page 88 states “...*Provide evidence of possession of the licenses and permits necessary to treat the waste. If licenses and permits are not in the Offeror’s possession at time of award, the Offeror must provide a Project Plan, which includes a resource-loaded Primavera schedule for obtaining such license and permits within six months after award...*”

Can DOE clarify the discrepancy between these two different RFP requirements?

Answer: The contractor will be required to possess, maintain and keep current appropriate licenses and permits as part of the contract. If an offeror does not have the necessary licenses and permits at the time of award, the Offeror must provide a schedule for obtaining such license and permit within six months in accordance with Section L. An offeror will not be capable of receiving a task order award if the necessary license or permits to perform the requirements are not in place.

Question 16

Reference: Page 2 CLIN 4 “Stabilization of LLW Soil, sludge, solids” & CLIN 6 “Solidification/Stabilization of Liquids”.

Is the treatment method for these CLINS intended to meet NRC stabilization requirements or are the line items intended to mean “solidification”? Can you provide an example of the type of “low-level” (non RCRA non TSCA) waste that would require this type of treatment?

Answer: The term stabilization was not intended to imply or impose NRC requirements. This CLIN is envisioned to cover packaging and basic waste form requirements to meet disposal waste acceptance criteria, e.g., free liquids, using foam or grout for debris, etc. Unique and difficult wastes will be covered under CLIN 0013, Unique MLLW/LLW Requiring Special Processing, which will allow for alternate cost-plus-fixed fee or firm-fixed pricing.

Question 17:

Reference: Page 2 CLIN 5 – LLW macroencapsulation

As “Macroencapsulation” is generally considered a treatment standard required by RCRA, Will DOE identify the types of Non-RCRA, Non-TSCA LLW wastes streams that are envisioned under this pricing category that would require this type of treatment?

Answer: The macroencapsulation requirements should be assumed to be equivalent to those used for MLLW (for packaging, not to meet EPA treatment standards). This clarification will be added to the description on the CLIN 0005 Price List form.

Question 18:

The scope of work requests DOE Authorized Limits Release under DOE Order 5400.5.

- a. Please provide the revision number and date of issue for DOE Order 5400.5. The latest version on the DOE Web site is issued 1-7-1993, revision 2.
- b. Please provide technical references that tie DOE Policy to Bulk Survey for Release (BSFR) including implementing requirements and approval requirements for each project or program; or has Draft DOE Order 441.1 been finalized.
- c. Has DOE issued any supplemental guidance on the use of volumetric release since the “DOE Guidance on Establishment and Coordination of Authorized Limits for Release of Hazardous Waste Containing Residual Radioactive Material, January 7, 1997”?
- d. Will the four elements of safety: 1) 25 millirem ALARA constraint, 2) protection of groundwater, 3) receiving facility WAC and shipping and receiving state laws compliance and, 4) potential for future remediation be reviewed once a year during the DOECAP Audits or on a project-by-project basis approved by EH-1?
- e. Has DOE expanded the document “DOE Guidance on Establishment and Coordination of Authorized Limits for Release of Hazardous Waste Containing Residual Radioactive Material, January 2007” to include nonhazardous wastes for disposal in Subtitle D Solid Waste/Industrial landfills?

Answer:

- a. The latest revision of DOE Order 5400.5 is Rev. 2, dated January 7, 1993. Please refer to the official DOE Directive website for updates:
<http://www.directives.doe.gov/directives/current.html#number>.
- b. The reference to DOE “Order” 441.1 is in error; DOE Guide 441.1-xx is in draft and has been approved for interim use, as an implementation guide for DOE Order 5400.5. BSFR will be in accordance with the CLIN 0014 requirements and the NRC or Agreement State license. DOE Authorized Release may be utilized under the general Ancillary Services CLIN, and will be in accordance with DOE requirements and policies (e.g., DOE Order 5400.5, Radiation Protection of the Public and the Environment, DOE Guide 441.1-xx). Requirements will be specified in the individual Task Order.
- c. Volumetric release may be accomplished either (1) under BSFR, by transferring the material to an organization possessing an NRC or Agreement State license, or (2) under DOE Authorized Release, by complying with applicable DOE requirements, which would include demonstrating compliance with an authorized limit. For radiological release under DOE O 5400.5, the most recent guide is DOE G 441.1-xx. Please note that the “guidance” referenced in the question was issued in January 7, 1997, rather than January 7, 2007. Consequently, DOE G 441.1-xx is more recent. DOE requirements, including Policies, Orders, Guidance and Manuals are provided on the DOE Directives website as noted in a. above.
- d. These topics are alluded to in DOE G 441.1-xx (please DOE Directives do not apply if the material is transferred to an NRC or Agreement State licensee for disposition under BSFR). The DOE Audit Program (DOECAP) conducts audits of analytical laboratories and commercial mixed waste and low-level waste treatment, storage, and disposal facilities (TSDFs) that have contracts or agreements to perform services for DOE programs, in accordance with DOE Order 435.1 implementation requirements.

Most Field elements rely on DOECAP to fulfill the annual audit requirements. DOECAP uses a formalized multi-checklist audit process with trained and qualified auditors to perform audit functions. Adherence to DOE Directives may be within the scope of the DOECAP. Site specific elements are added to the boilerplate audit checklist on a case by case basis.

- e. No, the 1997 guidance has not been expanded. This topic is addressed in DOE G 441.1-xx, which provides the latest DOE guidance (again note that DOE Directives do not apply to BSFR). DOE requirements, including Policies, Orders, Guidance and Manuals are provided on the DOE Directives website as noted in a. above.

Question 19

Please clarify if DOE is requesting surface contamination survey for unrestricted release services OR volumetric release under the “DOE Guidance on Establishment and Coordination of Authorized Limits for Release of Hazardous Waste Containing Residual Radioactive Material, January 2007.”

- a. DOE Authorized Limits Release (Volumetric): has DOE departed from its “No Rad Added” disposal policy or are the services requested for “no detectable assay” services at pre-established MDA levels?
- b. Has DOE expanded the document “DOE Guidance on Establishment and Coordination of Authorized Limits for Release of Hazardous Waste Containing Residual Radioactive Material, January 2007” to include nonhazardous wastes for disposal in Subtitle D Solid Waste/Industrial landfills?

Answer: Requirements for DOE Authorized Release will be specified in the individual CLIN 0015, Ancillary Services, task order. BSFR will be in accordance with the CLIN 0014 requirements and the NRC or Agreement State license. DOE Authorized Release may be utilized under the general Ancillary Services CLIN, and will be in accordance with DOE requirements and policies (e.g., DOE Order 5400.5, Radiation Protection of the Public and the Environment), as specified in the individual task order. Authorized Release task order scope may include any or all combinations of release criteria, e.g., (1) surface release criteria, as specified in DOE Order 5400.5 (Figure IV-1) as supplemented by DOE G 441.1-xx, (2) surface criteria as specified in an authorized limit, or (3) volumetric criteria as specified in an authorized limit.

- a. DOE releases of material must meet approved authorized limits for release, whether the radioactivity is surface or volumetric. Any surveys must be capable of demonstrating that the authorized limits are met. (Separately, under CLIN 0014, BSFR, facilities with an NRC or Agreement State license could accept a transfer of title to the material and dispose of it pursuant to their license).
- b. DOE has not expanded the document referenced (Note that the document referenced was issued in 1997, rather than 2007). However, DOE G 441.1-xx is more recent and addresses the issue in considerable detail.

Question 20

Please explain what waste materials fall into CLIN 0004 “LLW Stabilization” and CLIN 0005 “LLW Macroencapsulation” and what treatment standards apply?

Answer: CLINs 0004 and 0005 are for non-RCRA/TSCA materials that DOE may desire to treat for packaging or other purposes (not EPA requirements). A clarification will be added to the description on the CLIN 0005 Price List form.

Question 21

Will BSFR vendors be required to provide periodic sample data for landfill leachate and groundwater to comply with the DOE Policy?

Answer: No, there will be no additional requirements beyond NRC requirements for CLIN 0014, BSFR. The vendor is licensed by the NRC or an Agreement State, so DOE would expect to execute a material disposition contract, where the title to the material would transfer to the vendor. The disposition of the material would be conducted by the contractor under its license and any sample data would be determined by the nuclear material license conditions of the vendor. DOE will not impose any requirements under this circumstance.

Please note that for Authorized Release, under CLIN 0015, DOE would impose all DOE health and safety requirements on the vendor. This could include leachate or groundwater monitoring requirements.

Question 22

Will BSFR Vendor landfills be audited by DOE under the DOECAP Program or will only the BSFR vendors be audited?

Answer: BSFR vendors will be audited by DOE, including the NRC/Agreement State license and vendor compliance information available. The audit will not include the landfill, since that issue is properly under the jurisdiction of the licensing authority.

(Please note DOE Authorized Release, vendors will be required to demonstrate compliance with the DOE approved authorized limit. DOE expects to directly interact with landfills, since such interactions are part of the process of approving an authorized limit.)

Question 23

Will usage of contract by non-DOE contractors require bi-lateral agreement?

Answer: Clause H.26, Authorized Users, establishes authorized users in paragraph 1 as follows “All DOE Offices, Laboratories, and Project Offices, including DOE prime contractors are authorized to place Orders under this contract.” Paragraph 2 goes on to say that “Other users may be authorized, in writing, by the DOE CO on a case-by-case basis.” The usage by non-DOE contractors must be authorized in writing by the DOE CO, but does not require a bi-lateral modification to the contract.

Question 24

Each of the pricing schedules includes language: “provide surcharge for NTS in the table below”. Please clarify what the NTS surcharge is and if this should include a disposal cost for NTS.

Answer: The NTS surcharge provides for a factor to capture additional costs in order treat waste to NTS disposal waste characterization requirements.